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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TYLT, INC.,

11 Plaintiff,

12 v.

13 WIRELESS ADVOCATES, LLC, et
14 al.,

15 Defendants.

CASE NO. C19-0646JLR

ORDER TO SHOW CAUSE AND
STRIKING MOTION FOR
SUMMARY JUDGMENT AND
CORPORATE DISCLOSURE
STATEMENT

16 This matter comes before the court *sua sponte*. On May 2, 2019, Plaintiff Tylt,
17 Inc. (“Tylt”) filed this lawsuit against Defendants Wireless Advocates, LLC (“Wireless
18 Advocates”) and Car Toys, Inc. (“Car Toys”) (collectively, “Defendants”). (Compl.
19 (Dkt. # 1).) On June 28, 2019, after Defendants filed their answer to the complaint,
20 Defendants filed a corporate disclosure statement. (Corp. Disc. (Dkt. # 13).) The court
21 has reviewed Tylt’s complaint and finds that Tylt failed to allege an adequate basis for
22 subject matter jurisdiction. In addition, the court has reviewed Defendants’ corporate

1 disclosure statement and finds that Defendants failed to comply with Western District of
2 Washington Local Civil Rule 7.1. The court therefore orders the parties, within seven
3 days of the date of this order, to serve and file submissions that includes the following
4 information:

5 Tylt asserts that the court's subject matter jurisdiction is based on diversity of
6 citizenship under 28 U.S.C. § 1332. (Compl. ¶ 4.) For purposes of assessing diversity
7 jurisdiction, the court must consider the domicile of all members of a limited liability
8 company. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.
9 2006); *see also* Local Rules W.D. Wash. LCR 8(a) ("If plaintiff is asserting that this court
10 has jurisdiction based on diversity, the complaint must identify the citizenship of the
11 parties, and, if any of the parties is a limited liability corporation (LLC) . . . identify the
12 citizenship of the . . . members of those entities to establish the court's jurisdiction.").
13 Tylt alleges that Defendant Wireless Advocates, LLC ("Wireless Advocates"), is a
14 Washington limited liability company with its principal places of business in Seattle,
15 Washington. (Compl. ¶ 2.) But Tylt fails to allege the citizenship of any of Wireless
16 Advocates' members. (*See generally id.*) Absent such allegations, the court cannot
17 determine if Tylt has properly invoked this court's subject matter jurisdiction based on
18 the parties' diversity of citizenship.¹

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20 ¹ The court notes that if any member of Wireless Advocates is itself a limited liability
21 company, Tylt must provide information about the citizenship of the members of that limited
22 liability company as well, which is determined in the same manner described above—namely, by
establishing the citizenship of each member. *See Johnson*, 437 F.3d at 899 (examining the
citizenship of a limited partnership whose partners included limited liability companies by
looking to the citizenship of the members of those limited liability companies). This process

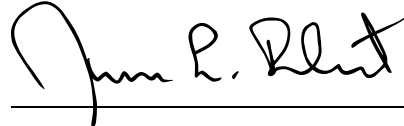
1 Western District of Washington Local Civil Rule 7.1 states that a party's corporate
2 disclosure statement must identify "any member or owner in a joint venture or limited
3 liability corporation (LLC)." W.D. Wash. LCR 7.1(a)(2). Further, in diversity actions, a
4 party's corporate disclosure statement "must also list . . . those states in which the party,
5 owners, partners, or members are citizens." W.D. Wash. LCR 7.1(b). Defendants'
6 corporate disclosure statement does not comply with either requirement for Wireless
7 Advocates. (*See Corp. Disc.*) Instead, Defendants merely state that Wireless Advocates
8 "has no parent corporation and no publicly held corporation owns 10% or more of its
9 membership interests." (*See id.*)

10 Accordingly, the court ORDERS Tytl to show cause why this case should not be
11 dismissed for lack of subject matter jurisdiction. If Tytl fails to provide the court with the
12 information described above within seven days of the date of this order, the case will be
13 dismissed without prejudice. Further, because "[f]ederal courts must determine that they
14 have jurisdiction before proceeding to the merits," *Lance v. Coffman*, 549 U.S. 437, 439
15 (2007) (citations omitted), the court STRIKES Car Toys' pending motion for summary
16 judgment (*see* MSJ (Dkt. # 21)). If Tytl establishes that the court has subject matter
17 jurisdiction over this case, Car Toys may re-note its motion. The court also STRIKES
18 Defendants' corporate disclosure statement (Dkt. # 13) and ORDERS Defendants to file a
19 corporate disclosure statement that complies with Western District of Washington Local
20 Civil Rule 7.1 within seven days of the date of this order. If Defendants fail to file an

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22 continues until every layer of limited liability company membership has been reduced to the
citizenship of its individual members.

1 amended corporate disclosure statement that complies with this order, Defendants may be
2 subject to monetary sanctions for their failure to comply with the court's local rules and
3 this order.

4 Dated this 18th day of March, 2020.

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7 JAMES L. ROBART
8 United States District Judge
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